

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 10, 2003. In order to advance prosecution of this Application, Claims 12 and 14 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

Claims 12-14 and 25-33 stand rejected under 35 U.S.C. §112, first paragraph, as not enabling any person skilled in the art to make the invention commensurate with the scope of the claims. Claim 13 has been canceled without prejudice or disclaimer. The Examiner states that the specification is limited to a digital mirror device and requests that the claims be limited to such a device. However, the specification clearly states at page 4, lines 2-31, that the claimed invention is related to an apparatus having a window sealed to a frame. There is no restriction in this portion of the specification that the claims be limited as requested by the Examiner. A digital mirror device is merely provided elsewhere in the specification as an example type of apparatus that uses a window sealed to a frame. Accordingly, the claims have been amended to be consistent with the specification. Therefore, Applicant respectfully submits that Claims 12, 14, and 25-33 are in accordance with 35 U.S.C. §112, first paragraph

Claims 12-14 and 25-33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 12 has been amended to address matters raised by the Examiner. Support for the amendment to Claim 12 can be found at page 16, lines 22-24, of Applicant's specification.

Claims 12 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Seelen, et al. '475. Claim 12 has been amended to include the allowable limitation of Claim 13.

Therefore, Applicant respectfully submits that Claims 12 and 25 are not anticipated by the Seelen, et al. '475 patent.

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen, et al. in view of Applicant's Information Disclosure Statement. Independent Claim 12, from which Claim 26 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 26 is patentably distinct from the proposed Seelen, et al. '475 - Applicant's Information Disclosure Statement combination.

Claims 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen, et al. '475 in view of Seelen, et al. '774. Independent Claim 12, from which Claims 27-30 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claims 27-30 are patentably distinct from the proposed Seelen, et al. '475 - Seelen, et al. '774 combination.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen, et al. '475 in view of Turcotte, et al. Independent Claim 12, from which Claim 31 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 31 is patentably distinct from the proposed Seelen, et al. '475 - Turcotte, et al. combination.

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen, et al. '475 in view of McCurdy, et al. Independent Claim 12, from which Claims 32 and 33 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claims 32 and 33 are patentably distinct from the proposed Seelen, et al. '475 - McCurdy, et al. combination.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al.

Claim 12 has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 12 is patentably distinct from the proposed Yamashita - Mahulikar, et al. combination.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al. and further in view of Robichaud, et al. Independent Claim 12, from which Claim 25 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 25 is patentably distinct from the proposed Yamashita - Mahulikar, et al. - Robichaud, et al. combination.

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al. and Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 12, from which Claim 26 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 26 is patentably distinct from the proposed Yamashita - Mahulikar, et al. - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al. and Robichaud, et al. and further in view of Seelen, et al. '774. Independent Claim 12, from which Claims 27-30 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 27-30 are patentably distinct from the proposed Yamashita - Mahulikar, et al. - Robichaud, et al. - Seelen, et al. '774 combination.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al. and further in view of Matsuda, et al. Independent Claim 12, from

which Claim 31 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 31 is patentably distinct from the proposed Yamashita - Mahulikar, et al. - Matsuda, et al. combination.

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Mahulikar, et al. and further in view of Poradish, et al. Independent Claim 12, from which Claims 32 and 33 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 32 and 33 are patentably distinct from the proposed Yamashita - Mahulikar, et al. - Poradish, et al. combination.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. Claim 12 has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 12 is patentably distinct from the proposed Yamashita - Langley, et al. combination.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. and further in view of Robichaud, et al. Independent Claim 12, from which Claim 25 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 25 is patentably distinct from the proposed Yamashita - Langley, et al. - Robichaud, et al. combination.

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. and Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 12, from which Claim 26 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant

respectfully submits that Claim 26 is patentably distinct from the proposed Yamashita - Langley, et al. - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 27-30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. and Robichaud, et al. and further in view of Seelen, et al. '774. Independent Claim 12, from which Claims 27-30 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claims 27-30 are patentably distinct from the proposed Yamashita - Langley, et al. - Robichaud, et al. - Seelen, et al. '774 combination.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. and further in view of Matsuda, et al. Independent Claim 12, from which Claim 31 depends, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claim 31 is patentably distinct from the proposed Yamashita - Langley, et al. - Matsuda, et al. combination.

Claim 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Langley, et al. and further in view of Poradish, et al. Independent Claim 12, from which Claims 32 and 33 depend, has been amended to include the allowable limitation of Claim 13. Therefore, Applicant respectfully submits that Claims 32 and 33 are patentably distinct from the proposed Yamashita - Langley, et al. - Poradish, et al. combination.

Applicant notes with appreciation the allowability of Claims 13 and 14 if placed into appropriate independent form. Independent Claim 12 has been amended to include the allowable limitation of Claim 13 as suggested by the Examiner.

• ATTORNEY DOCKET NO.
004578.1122

PATENT APPLICATION
09/880,365

12

Therefore, Applicant respectfully submits that Claims 12-14
and 25-33 are in condition for allowance.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", is written over the printed name.

Charles S. Fish

Reg. No. 35,870

March 9, 2005

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, Texas 75201-2980

(214) 953-6507

Customer Number: 05073